

MINUTES
CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

SEPTEMBER 6, 2017

Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932

REGULAR & CLOSED SESSION MEETINGS – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

Mayor Pro Tem Bragg called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present:	West, Patton, Spriggs
Councilmembers absent:	None
Mayor Pro Tem Present:	Bragg
Mayor absent:	Dedina
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Kelly, Assistant City Manager Dush, Administrative Services Director Bradley, Public Safety Director French, City Planner Foltz

Mayor Pro Tem Bragg acknowledged the crises taking place throughout the country and asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rosa Alegre from Bayside Steam Academy.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Spriggs reported on taking part of a tour of the Tijuana River Valley which was led by a representative of the Border Patrol and Chris Helmer, Environmental & Natural Resources Director. He announced a meeting of the International Boundary & Water Commission (IBWC) - Citizen's Forum, scheduled tomorrow at 6:30 p.m. at the Tijuana Estuary Training Room.

Councilmember Patton commended Rosa Alegre and her mother for doing a good job and he recognized the South Bay Union School District Board Members in attendance.

Councilmember West reported on the changes that are taking place in Imperial Beach such as the installation of the new playground at Sports Park and the construction at Triangle Park. On August 17 he participated in a meeting with Surfrider San Diego and South Bay Clean Water Movement where there was a discussion about the Tijuana River Action Month events. He also announced the United Methodist Church is looking for sponsors for the La Posada at Camp Surf on December 9th and the 5th Clean Cities Initiative is on September 16 at Veterans Park.

Mayor Pro Tem Bragg announced a book mobile will be at the Farmer's Market in honor of National Literacy Day and the Dempsey Holder Surf Contest is on September 16.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

June Engel, Branch Manager, Imperial Beach Library, recognized City staff for their help with set up for the Library's movie night and announced the library has been nominated for the Orchid Award. She encouraged everyone to cast their vote in favor for the library.

PRESENTATIONS (1.1)

1.1 PRESENTATION ON AUTOMATED EXTERNAL DEFIBRILLATORS IN IMPERIAL BEACH. (0210-30)

Public Safety Director French gave a presentation on how to use an Automated External Defibrillator (AED) and reported on the locations of the AEDs within the City of Imperial Beach. He also spoke about the Pulse Point Application that will ping users phones and send notification on the nearest AED locations.

CONSENT CALENDAR (2.1-2.3)

City Manager Hall announced revisions to the August 2, 2017 Minutes were submitted as Last Minute Information.

The following public speakers spoke on Item No. 2.3:

Baron Partlow said he had four opportunities to speak to the City Council for the City of Coronado to urge them to join the lawsuit against the IBWC. He also spoke about his discussions with various officials about funding to address the sewage issue.

Ginger Sacco reported on her discussions and correspondence with various officials regarding the sewage issue. She also spoke about upcoming meetings she has scheduled with local elected officials and her attendance at upcoming City Council meetings in the region to advocate for addressing the sewage issue.

Cheryl Quinones applauded the efforts of the Imperial Beach City Council, staff and residents, and encouraged perpetuation of the resolution until the problem is fixed. She submitted and read a statement made by the Mayor of Coronado at their September 5, 2017 City Council meeting noting that the City Council directed their City Manager and City Attorney to bring information back to City Council for consideration including a draft participation agreement between Coronado and Imperial Beach to effect changes to the IBWC-owned San Ysidro sewage treatment plant.

City Manager Hall clarified that a lawsuit has not been filed. The City is still exploring all legal options and the best way to move forward. He also stated that there are processes that need to be followed when dealing with the federal government.

Mayor Pro Tem Bragg expressed appreciation for the grass roots efforts.

MOTION BY SPRIGGS, SECOND BY WEST, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.3, INCLUDING THE REVISIONS TO THE AUGUST 2, 2017 MINUTES AS SUBMITTED AS LAST MINUTE AGENDA INFORMATION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	SPRIGGS, PATTON, WEST, BRAGG
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	DEDINA

2.1 MINUTES.

City Council approved the Regular Meeting Minutes of August 2, 2017 and August 16, 2017.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Council ratified the warrant register.

2.3 RESOLUTION 2017-7853 CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER. (0150-40 & 0210-26)

City Council adopted Resolution 2017-7853 to maintain a state of local emergency related to the cross-border pollution impacts from the Tijuana River and authorize the City Manager, Mayor, and Council members to work with local, State, Federal, and Mexican authorities to advance binational projects to improve conditions in the Tijuana River.

ORDINANCES/INTRODUCTION & FIRST READING (3.1)

3.1 AN INTRODUCTION OF ORDINANCE NO. 2017-1165, AMENDING CHAPTER 12.33 OF THE IMPERIAL BEACH MUNICIPAL CODE CONCERNING SPECIAL EVENT PERMITS. (1040-95)

City Manager Hall gave a PowerPoint presentation on the item. He reported on the growing number of special events. He spoke of the need to find a balance for what is happening along Seacoast Drive and in the parks, noting the need for open weekend days for families and visitors to enjoy the parks. He also spoke about the impacts special events have on the elected officials (who are expected to attend the events), staff, local businesses, parking, residents, park equipment, and lawns. He also spoke about the need to treat all entities equally and fairly. Administrative actions already taken include the requirement of a special event permit with every amplification permit and the number of special events for each entity has been reduced to four per year. The ordinance tonight changes the threshold for classifying a special event from 50 people to 25 people, which is consistent with the neighboring communities. He spoke about other options City Council may want to consider such as limiting the number of days that each park is available to host an event, limiting the number of amplification permits per park, further restricting the number of special events, and increasing the cost for of permits or deposits to reflect the City's actual costs.

City Clerk Kelly announced no speaker slips were submitted.

Councilmember Patton stated residents living along the beach area and parks have complained about noise and not being able to park. He spoke in support for the reduction of the number of people from 50 to 25. He stressed the importance of staff not letting big events go under the radar, expressed concern about people staking claim of park areas by sectioning off large areas with caution tape, and spoke about the need to look at the big picture with residents to address what will be done in the long term.

Councilmember Spriggs spoke about the need to figure out the best way to address the question of what is "Classic Southern California" with the City being a tourist and eco-tourism attraction and at the same time trying to retain core community values. He said that a committee can be assembled to address this issue but a number of community workshops will be held to get input on updating the General Plan (GP) and Local Coastal Plan (LCP). The workshops will address where the city is going, where the city is going economically, and how the City is going to be sustainable considering increases such as Sheriff's costs. He spoke in support for the reduction of people to 25 as an interim measure but cautioned against going too far since there is going to be an exercise with the community to address the GP and LCP. He also spoke about this being a trial period to see what impacts will be and what kind of community generated events will be affected. He questioned if there will be an increased fee and if it would be sensible to charge residents one fee and non-residents another fee.

In response to Councilmember Spriggs questions, City Manager Hall stated that he does not know for sure how many organizations will be impacted by the reduction of people from 50 to 25 for a special event. With regard to the Farmer's Market, it is not included in the number of events as it operates under a Conditional Use Permit. Additionally, staff has not contemplated fees. He did, however, support a deposit based system which can be brought back for City

Council's consideration.

Councilmember West commented that business owners are also concerned about special events, especially large ones, because shoppers visit the vendors rather than the businesses. He supported rolling this issue into the LCP and GP discussions. He questioned the vision for the future, spoke about a resident in Imperial Beach who doesn't visit Pier Plaza because so many events happen there, and he questioned enforcement of special events with 25 people. He also stated that the Cities of Carlsbad and Encinitas implemented a large deposit and scaled it based on where the events are in relation to the ocean with prime locations having a higher price. He supported the reduction of people to 25.

Councilmember Patton expressed concern about going from allowing an unlimited number of special events to only allowing four and expressed concern about putting businesses out of business. He spoke in support of having more discussion on the matter before a decision is made.

Mayor Pro Tem Bragg stated this item is a response to the residents of the community and not a response to a particular group or business. She stated that the beaches and parks are becoming special event venues while some people just want to go to the park or just go to the beach. She commented that in Old Town people pay up to have the exclusivity of a wedding.

In response to Mayor Pro Tem Bragg, City Attorney Lyon stated businesses are prohibited from conducting business in parks unless there is a provision allowing for it such as approval by City Council or the City Manager.

Councilmember Patton stated that this is vague and supported revisiting the issue.

Councilmember West agreed that more information is needed.

MOTION BY PATTON, SECOND BY WEST, TO REVISIT THIS ITEM AT THE NEXT AVAILABLE CITY COUNCIL MEETING.

City Council Discussion:

Councilmember Spriggs stated this is a good time for a 6-month trial period with a report back to City Council before the beginning of the next high season. He spoke about the need for data and proceeding with the ordinance change will allow City staff to track what is going on and determine the impacts on the City.

City Manager Hall stated that currently, if there are less than 50 people, the City would just let the event happen. It is not the City's intention to shut down businesses. He also noted that business is not supposed to take place in public places in the City.

Councilmember Patton stated he was not in support for going from an unlimited number of special events to four events. He would like to have further discussion with participation by the Mayor.

Councilmember West commented that there are still many things to look at such as enforcement and costs. If a group can be formed consisting of business owners and residents, they can come up with a better strategy and an ordinance that is better for the City.

City Manager Hall spoke about the importance of finding a balance. He commented on how often he receives complaints about special events during the weekends.

Councilmember Spriggs stated that staff did their work on this and the item emanates from the community. He spoke in support for proceeding with the item.

Mayor Pro Tem Bragg stated that she is not in support of the motion. She would support the reduction of the number of participants from 50 to 25. She said that in fairness to the staff and community, City Council should move forward with the item.

MOTION BY PATTON, SECOND BY WEST, TO REVISIT THIS ITEM AT THE NEXT AVAILABLE CITY COUNCIL MEETING (OCTOBER 4, 2017). MOTION FAILED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: WEST, PATTON
NOES: COUNCILMEMBERS: BRAGG, SPRIGGS
ABSENT: COUNCILMEMBERS: DEDINA

Councilmember Spriggs stated that when all Councilmembers are present, staff should have the additional information needed for the next discussion.

Mayor Pro Tem Bragg requested a spreadsheet of particular entities that have repeatedly used the parks.

PUBLIC HEARINGS (4)

None.

REPORTS (5.1-5.2)

5.1 RESOLUTION 2017-7852 CONSENTING TO USE WITHIN THE PUBLIC RIGHT-OF-WAY AND PUBLIC SPACES TO FACILITATE A BIKE SHARING PROGRAM WITHIN THE COMMUNITY. (0680-20)

Assistant City Manager Dush gave a PowerPoint presentation on the item. In response to Councilmember Spriggs, he stated that the initial number of bikes will be approximately 250 and the locations will be varied. He also stated that the agreement with LimeBike precludes them from blocking sidewalks. If there is a problem, an onsite coordinator will be notified and pick up the bike(s). The bikes will most likely end up along bus stations, places of employment, along the bike path and outside the City. All of this information will be tracked by LimeBike.

Councilmember Patton left the Council Chambers at 7:36 p.m. and returned at 7:37 p.m.

Councilmember Spriggs spoke about the need to educate users since there is no recourse against the individual bike user who doesn't return the bike in a responsible location. He expressed concern with the possibility of bikes being left on the street, interference with business parking, entrances, private lawns, yards, and walkways.

Collin McMahon, representing LimeBike, said that it is his job to ensure the program fits the needs of the community. There will be a grounds crew that operates 7-days a week to handle bikes that are in locations where they shouldn't be parked and noted that problems are usually handled within an hour. Additionally, local staff maintains the fleet of bikes, the bikes have 3G GPS tracking, users can be penalized and potentially banned, and they can encourage ways to park the bikes properly.

Councilmember West spoke in support for the LimeBike program, noted the bikes will never get flat tires and he spoke to friends in San Francisco who shared positive feedback with him.

Councilmember Patton commented on the how the bike sharing program failed in the beach communities located in San Diego because that particular company was competing with existing bike rental shops. He noted that LimeBike is coming into Imperial Beach where there are no other bike rental shops and stressed that LimeBike is the first company to come to Imperial Beach. He stressed the importance of considering the situation both ways.

In response to Mayor Pro Tem Bragg, Mr. McMahon stated their customer service is collecting feedback.

Assistant City Manager Dush stated that at the end of the testing period, the issues will be examined and concerns will be addressed.

With regard to Mayor Pro Tem Bragg's question about helmets, Mr. McMahon stated use of helmets is up to the users. Additionally, it is a great opportunity for businesses to supply rental helmets and LimeBike can help facilitate that. Also there is nothing to prevent users from taking

bikes on a bus or trolley. He commented that Imperial Beach is progressive with environmental issues and this is an opportunity to reduce greenhouse gases.

Mayor Pro Tem Bragg commented that LimeBike is filling a void and helping the City with its Climate Action Plan.

Mr. McMahon spoke about the roll out of the LimeBikes and outreach efforts. He reviewed how to locate, use and lock a LimeBike. In response to Councilmember Spriggs, he stated the City is not liable and they have provided the City with insurance.

MOTION BY WEST, SECOND BY SPRIGGS, TO ADOPT RESOLUTION 2017-7852 AUTHORIZING THE CITY MANAGER, OR DESIGNEE THEREOF, TO EXECUTE ALL DOCUMENTS AND TAKE ANY ACTIONS NECESSARY AND APPROPRIATE TO CARRY OUT THE LICENSE AGREEMENT AND ENCROACHMENT PERMIT FOR LIMEBIKE. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: SPRIGGS, PATTON, WEST, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA**

5.2 RESOLUTION NO. 2017-7851 APPROVING THE FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY AND CITY MANAGER, ANDY HALL AND AMENDING THE CITY'S FY 2017-19 SALARY SCHEDULE. (0520-75 & 0530-60)

Mayor Pro Tem Bragg reported the City Council conducted a performance evaluation of the City Manager last month. As a result of an exemplary performance evaluation, the item before the City Council is to consider an amendment to his employment agreement to increase his base salary and deferred compensation contribution.

MOTION BY SPRIGGS, SECOND BY WEST, TO ADOPT RESOLUTION NO. 2017-7851 APPROVING THE FOURTH AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY AND CITY MANAGER, ANDY HALL AND AMENDING THE CITY'S FY 2017-19 SALARY SCHEDULE. MOTION CARRIED BY THE FOLLOWING VOTE:

**AYES: COUNCILMEMBERS: SPRIGGS, PATTON, WEST, BRAGG
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: DEDINA**

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ADJOURN REGULAR MEETING

Mayor Pro Tem Bragg adjourned the Regular meeting at 8:02 p.m.

CLOSED SESSION MEETING CALL TO ORDER

Mayor Pro Tem Bragg called the Closed Session meeting to order at 8:03 p.m.

ROLL CALL

Councilmembers present:	West, Patton, Spriggs
Councilmembers absent:	None
Mayor Pro Tem Present:	Bragg
Mayor absent:	Dedina
Staff Present:	City Manager Hall, City Attorney Lyon, City Clerk Kelly

CLOSED SESSION (1-2)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) (2 cases)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code section 54956.9 (1 case)

Case No. 37-2017-00002702-CU-PO-CTL

Mayor Pro Tem Bragg adjourned the meeting to Closed Session at 8:03 p.m. and she reconvened the meeting to Open Session at 10:00 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Item No. 1 direction was given and no reportable action was taken. Closed Session Item No. 2 was removed from the agenda.

ADJOURN CLOSED SESSION

Mayor Pro Tem Bragg adjourned the Closed Session meeting at 10:02 p.m.

/s/

Lorie Bragg,
Mayor Pro Tempore

/s/

Jacqueline M. Kelly, MMC
City Clerk